



Senate

General Assembly

January Session, 2013

File No. 341

Senate Bill No. 897

Senate, April 4, 2013

The Committee on Public Safety and Security reported through SEN. HARTLEY, J. of the 15th Dist., Chairperson of the Committee on the part of the Senate, that the bill ought to pass.

AN ACT CONCERNING REGULATION OF FIREARMS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 53-206d of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2013*):

3 (a) (1) No person shall carry a pistol, revolver, machine gun,
4 shotgun, rifle or other firearm, which is loaded and from which a shot
5 may be discharged, upon his person (A) while under the influence of
6 intoxicating liquor or any drug, or both, or (B) while the ratio of
7 alcohol in the blood of such person is [~~ten-hundredths~~] eight-
8 hundredths of one per cent or more of alcohol, by weight.

9 (2) Any person who violates any provision of this subsection shall
10 be guilty of a class B misdemeanor.

11 (b) (1) No person shall engage in hunting while under the influence
12 of intoxicating liquor or any drug, or both, or while impaired by the

13 consumption of intoxicating liquor. A person shall be deemed under
14 the influence when at the time of the alleged offense the person (A) is
15 under the influence of intoxicating liquor or any drug, or both, or (B)
16 has an elevated blood alcohol content. For the purposes of this
17 subdivision, "elevated blood alcohol content" means (i) a ratio of
18 alcohol in the blood of such person that is [ten-hundredths] eight-
19 hundredths of one per cent or more of alcohol, by weight, or (ii) if such
20 person has been convicted of a violation of this subsection, a ratio of
21 alcohol in the blood of such person that is seven-hundredths of one per
22 cent or more of alcohol, by weight. A person shall be deemed impaired
23 when at the time of the alleged offense the ratio of alcohol in the blood
24 of such person was more than seven-hundredths of one per cent of
25 alcohol, by weight, but less than [ten-hundredths] eight-hundredths of
26 one per cent of alcohol, by weight.

27 (2) Any person who violates any provision of this subsection shall
28 be guilty of a class A misdemeanor.

29 (3) Enforcement officers of the Department of Energy and
30 Environmental Protection are empowered to arrest for a violation of
31 the provisions of this subsection.

32 Sec. 2. Subsection (e) of section 29-33 of the general statutes is
33 repealed and the following is substituted in lieu thereof (*Effective*
34 *October 1, 2013*):

35 (e) Upon the sale, delivery or other transfer of any pistol or revolver,
36 the person making the purchase or to whom the same is delivered or
37 transferred shall sign a receipt for such pistol or revolver, which shall
38 contain the name, [and] address and date and place of birth of such
39 person, the date of sale, the caliber, make, model and manufacturer's
40 number and a general description of such pistol or revolver, the
41 identification number of such person's permit to carry pistols or
42 revolvers, issued pursuant to subsection (b) of section 29-28, permit to
43 sell at retail pistols or revolvers, issued pursuant to subsection (a) of
44 said section, or eligibility certificate for a pistol or revolver, issued
45 pursuant to section 29-36f, if any, and the authorization number

46 designated for the transfer by the Department of Emergency Services
47 and Public Protection. The person, firm or corporation selling such
48 pistol or revolver or making delivery or transfer thereof shall give one
49 copy of the receipt to the person making the purchase of such pistol or
50 revolver or to whom the same is delivered or transferred, shall retain
51 one copy of the receipt for at least five years, and shall send, by first
52 class mail, or electronically transmit, within forty-eight hours of such
53 sale, delivery or other transfer, one copy of the receipt to the
54 Commissioner of Emergency Services and Public Protection and one
55 copy of the receipt to the chief of police or, where there is no chief of
56 police, the warden of the borough or the [first selectman] chief
57 executive officer of the town, as the case may be, of the town in which
58 the transferee resides.

59 Sec. 3. Subsection (b) of section 29-37a of the general statutes is
60 repealed and the following is substituted in lieu thereof (*Effective*
61 *October 1, 2013*):

62 (b) Upon the delivery of the firearm, the purchaser shall sign in
63 triplicate a receipt for such firearm, which shall contain the name,
64 [and] address and date and place of birth of such purchaser, the date of
65 sale [,] and the caliber, make, model and manufacturer's number and a
66 general description [thereof] of the firearm. Not later than twenty-four
67 hours after such delivery, the vendor shall send by first class mail or
68 electronically transfer one receipt to the Commissioner of Emergency
69 Services and Public Protection and one receipt to the chief of police or,
70 where there is no chief of police, the warden of the borough or the
71 [first selectman,] chief executive officer of the town in which the
72 purchaser resides, and shall retain one receipt, together with the
73 original application, for at least five years. The waiting period specified
74 in subsection (a) of this section during which delivery may not be
75 made and the provisions of this subsection shall not apply to any
76 federal marshal, parole officer or peace officer, or to the delivery at
77 retail of (1) any firearm to a holder of a valid state permit to carry a
78 pistol or revolver issued under the provisions of section 29-28 or a
79 valid eligibility certificate issued under the provisions of section 29-36f,

80 (2) any firearm to an active member of the armed forces of the United
81 States or of any reserve component thereof, (3) any firearm to a holder
82 of a valid hunting license issued pursuant to chapter 490, or (4) antique
83 firearms. For the purposes of this section, "antique firearm" means any
84 firearm which was manufactured in or before 1898 and any replica of
85 such firearm, provided such replica is not designed or redesigned for
86 using rimfire or conventional centerfire fixed ammunition except
87 rimfire or conventional centerfire fixed ammunition which is no longer
88 manufactured in the United States and not readily available in the
89 ordinary channel of commercial trade.

90 Sec. 4. Section 29-36g of the general statutes is repealed and the
91 following is substituted in lieu thereof (*Effective October 1, 2013*):

92 (a) Requests for eligibility certificates under section 29-36f shall be
93 submitted to the Commissioner of Emergency Services and Public
94 Protection on application forms prescribed by the commissioner. No
95 eligibility certificate for a pistol or revolver shall be issued under the
96 provisions of said section unless the applicant for such certificate gives
97 to the Commissioner of Emergency Services and Public Protection,
98 upon the commissioner's request, full information concerning the
99 applicant's criminal record and relevant information concerning the
100 applicant's mental health history. The commissioner shall require each
101 applicant to submit to state and national criminal history records
102 checks in accordance with section 29-17a. The commissioner shall take
103 a full description of such applicant. The commissioner shall take the
104 fingerprints of such applicant or conduct any other method of positive
105 identification required by the State Police Bureau of Identification or
106 the Federal Bureau of Investigation. The commissioner shall record the
107 date the fingerprints were taken in the applicant's file and shall
108 conduct criminal history records checks in accordance with section 29-
109 17a.

110 (b) The commissioner shall, [within] not later than sixty days [of]
111 after receipt of the national criminal history records check from the
112 Federal Bureau of Investigation, either approve the application and

113 issue the eligibility certificate or deny the application and notify the
114 applicant of the reason for such denial in writing.

115 [(b) (1) With respect to any application for an eligibility certificate
116 filed with the Commissioner of Emergency Services and Public
117 Protection on or before July 1, 1995, the commissioner shall, not later
118 than October 1, 1995, (A) approve the application and issue the
119 eligibility certificate, (B) issue a temporary eligibility certificate, or (C)
120 deny the application and notify the applicant of the reason for such
121 denial in writing.

122 (2) With respect to any application for an eligibility certificate filed
123 with the Commissioner of Emergency Services and Public Protection
124 after July 1, 1995, the commissioner shall, within ninety days, (A)
125 approve the application and issue the eligibility certificate, (B) issue a
126 temporary eligibility certificate, or (C) deny the application and notify
127 the applicant of the reason for such denial in writing.

128 (3) A temporary certificate issued under this subsection shall be
129 valid until such time as the commissioner either approves or denies the
130 application.]

131 (c) An eligibility certificate for a pistol or revolver shall be of such
132 form and content as the commissioner may prescribe, shall be signed
133 by the certificate holder and shall contain an identification number, the
134 name, address, place and date of birth, height, weight and eye color of
135 the certificate holder and a full-face photograph of the certificate
136 holder.

137 (d) A person holding an eligibility certificate issued by the
138 commissioner shall notify the commissioner [within] not later than two
139 business days [of] after any change of [his] such person's address. The
140 notification shall include [his] both the old address and [his] the
141 address of such person.

142 (e) Notwithstanding the provisions of sections 1-210 and 1-211, the
143 name and address of a person issued an eligibility certificate for a

144 pistol or revolver under the provisions of section 29-36f shall be
145 confidential and shall not be disclosed, except (1) such information
146 may be disclosed to law enforcement officials acting in the
147 performance of their duties, including, but not limited to, employees of
148 the United States Probation Office acting in the performance of their
149 duties, (2) the Commissioner of Emergency Services and Public
150 Protection may disclose such information to the extent necessary to
151 comply with a request made pursuant to section 29-33, as amended by
152 this act, for verification that such certificate is still valid and has not
153 been suspended or revoked, and (3) such information may be
154 disclosed to the Commissioner of Mental Health and Addiction
155 Services to carry out the provisions of subsection (c) of section 17a-500.

156 (f) An eligibility certificate for a pistol or revolver shall not
157 authorize the holder thereof to carry a pistol or revolver upon his
158 person in circumstances for which a permit to carry a pistol or revolver
159 issued pursuant to subsection (b) of section 29-28 is required under
160 section 29-35.

161 Sec. 5. Section 29-37g of the general statutes is repealed and the
162 following is substituted in lieu thereof (*Effective October 1, 2013*):

163 (a) For the purposes of this section, (1) "gun show" means any event
164 (A) at which fifty or more firearms are offered or exhibited for sale,
165 transfer or exchange to the public, and (B) at which two or more
166 persons are exhibiting one or more firearms for sale, transfer or
167 exchange to the public; and (2) "gun show promoter" means any
168 person who organizes, plans, promotes or operates a gun show.

169 (b) Not later than thirty days before commencement of a gun show,
170 the gun show promoter shall notify the Commissioner of Emergency
171 Services and Public Protection and the chief of police or, where there is
172 no chief of police, the warden of the borough or the [first selectman]
173 chief executive officer of the town in which the gun show is to take
174 place of the date, time, duration and location of the gun show.

175 (c) No person, firm or corporation shall sell, deliver or otherwise

176 transfer a firearm at a gun show until such person, firm or corporation
177 has complied with the provisions of section 29-36l.

This act shall take effect as follows and shall amend the following sections:		
Section 1	<i>October 1, 2013</i>	53-206d
Sec. 2	<i>October 1, 2013</i>	29-33(e)
Sec. 3	<i>October 1, 2013</i>	29-37a(b)
Sec. 4	<i>October 1, 2013</i>	29-36g
Sec. 5	<i>October 1, 2013</i>	29-37g

PS *Joint Favorable*

The following Fiscal Impact Statement and Bill Analysis are prepared for the benefit of the members of the General Assembly, solely for purposes of information, summarization and explanation and do not represent the intent of the General Assembly or either chamber thereof for any purpose. In general, fiscal impacts are based upon a variety of informational sources, including the analyst's professional knowledge. Whenever applicable, agency data is consulted as part of the analysis, however final products do not necessarily reflect an assessment from any specific department.

OFA Fiscal Note

State Impact:

Agency Affected	Fund-Effect	FY 14 \$	FY 15 \$
Judicial Dept.	GF - Potential Revenue Gain	Less than 10,000	Less than 10,000
Emergency Services and Public Protection, Dept.	GF - Savings	Minimal	Minimal

Municipal Impact: None

Explanation

Section 1 of the bill results in a potential revenue gain of less than \$10,000 in FY 14 and FY 15 to the Judicial Department by increasing the number of potential violators of carrying a loaded firearm while intoxicated or hunting while intoxicated. Under current statute, there were 73 violators of this offense in FY 12, with a total penalty collected of \$1,000. While it is unclear how many additional offenders may result from this bill, it is anticipated to be relatively few.

Sections 2 and 3 of the bill make technical changes to receipts recording firearms transactions and the process of distributing such receipts. These provisions have no fiscal impact.

Section 4 of the bill makes technical changes and eliminates the temporary handgun eligibility certificate. Elimination of the temporary eligibility certificate will result in minimal savings to the Department of Emergency Services and Public Protection. There are approximately 57 handgun eligibility certificates statewide, so the issuance of temporary certificates while an application is pending is a rare occurrence.

Section 5 of the bill revises the notifications required for gun shows. These provisions have no fiscal impact.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis**SB 897*****AN ACT CONCERNING REGULATION OF FIREARMS.*****SUMMARY:**

This bill:

1. lowers, from .10 to .08, the blood alcohol content (BAC) level triggering presumptive violation of the law's prohibition on hunting, or carrying a loaded firearm, while intoxicated;
2. requires gun show promoters to notify the Department of Emergency Services and Public Protection (DESPP) commissioner, in addition to the host town's police chief, when they plan to hold a gun show;
3. adds a buyer's date and place of birth to the information required on a firearm receipt;
4. eliminates the temporary handgun eligibility certificate and a 90-day certificate processing deadline, potentially lengthening the processing time;
5. replaces the first selectman with the chief executive officer for purposes of certain statutes pertaining to firearm transactions, thereby conforming the law to practice in towns that do not have a first selectman; and
6. makes technical and conforming changes.

EFFECTIVE DATE: October 1, 2013

§ 1—HUNTING OR CARRYING A FIREARM WHILE DRUNK

The bill lowers, from .10 to .08, the presumptive BAC level for the offenses of (1) carrying a loaded firearm while intoxicated and (2) hunting while intoxicated, thereby conforming these provisions to laws establishing .08 as the presumptive BAC level for operating motor vehicles under the influence.

Under existing law, carrying a loaded firearm while intoxicated is a class B misdemeanor, punishable by a prison term of up to six months, a fine of up to \$1,000, or both. Hunting while intoxicated is a class A misdemeanor, punishable by a prison term of up to one year, a fine of up to \$2,000, or both.

By law, a person can also be convicted of these crimes on evidence of intoxication other than BAC level.

§ 5—GUN SHOW NOTIFICATIONS

The bill requires gun show promoters to notify the DESPP commissioner when they plan to hold a gun show in the state. Under current law, they are required to notify only the host town's police chief or, where there is no police chief, the first selectman or borough warden. As is required for the notice to the local official, they must notify the commissioner of the show date, time, duration, and location.

§ 2—RECEIPT FOR GUN PURCHASE

The bill adds a gun buyers place and date of birth to the information that must be provided on the gun receipt he or she signs when taking possession of a firearm.

By law, handgun sales and transfers must conform to specified procedures in law (CGS § 29-33). With certain exceptions, when anyone buys a handgun, he or she must sign a DESPP receipt for it (currently [DPS-3-C](#)). The receipt must contain, among other things, (1) his or her name and address; (2) the firearm make, model, serial number, caliber, and general description; and (3) the transfer date.

§ 4—ELIGIBILITY CERTIFICATE

Under existing law, anyone seeking to possess a handgun must

present a DESPP eligibility certificate, gun permit, or gun dealer permit when acquiring the firearm. The commissioner must conduct state and national finger-print based criminal history record checks, including Federal Bureau of Investigation (FBI) checks, to establish a person's eligibility to get the credentials. The commissioner must approve or deny an application for the eligibility certificate within 60 days of receiving the results of the FBI criminal history check.

Under current law, within 90 days of the application, he must (1) issue the certificate, (2) issue a temporary certificate, or (3) deny the application and notify the applicant of the reason in writing. The bill eliminates the 90-day processing deadline, thereby potentially extending the time that the commissioner has to act on applications beyond 90 days. For example, if an applicant submits an application on January 1 and the FBI results are not received until April 1, the commissioner does not have to act on the application until 60 days after April 1.

The bill also eliminates the temporary eligibility certificate. Additionally, it conforms the law to practice by specifying that state and national criminal history record checks be conducted in accordance with CGS § 29-17a. The check must be done following specified procedures and must include fingerprinting.

COMMITTEE ACTION

Public Safety and Security Committee

Joint Favorable

Yea 23 Nay 0 (03/19/2013)